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Attorneys for Defendants BLACKBERRY  
 CORPORATION and JOHN GIAMATTEO

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JANE DOE, an individual,  
  
 Plaintiff,  
  
 vs.

BLACKBERRY CORPORATION; a  
 Delaware Corporation; and  
 JOHN GIAMATTEO; an individual,  
  
 Defendants.

**Case No.: 3:24-cv-02002**

**JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT**

Date: July 1, 2024  
 Time 1:30 pm  
 Judge: Hon. Sallie Kim

Plaintiff Jane Doe and Defendants BlackBerry Corporation and John Giamatteo hereby submit this joint case management conference statement in advance of the initial case management conference. Counsel conducted their Rule 26(f) conference on June 10, 2024 via videoconference. Anthony Tartaglio attended on behalf of Plaintiff. Katherine Forster and Kyra Schoonover attended on behalf of Defendants.

1        **Jurisdiction and Service:** This case is based on diversity jurisdiction in which the  
 2 substantive law of California applies. There are currently no issues regarding personal  
 3 jurisdiction or venue. There are no parties remaining to be served.

4        **Facts:**

5        **Plaintiff's Position:** Plaintiff alleges that Giamatteo sexually harassed her and retaliated  
 6 against her. Plaintiff further alleges that BlackBerry is liable for negligent hiring, firing, and  
 7 retention, retaliation, wrongful termination, failure to prevent harassment, discrimination, and  
 8 retaliation, paying disparate wages on the basis of sex, and failure to pay wages promptly.

9        **Defendants' Position:** Defendants strongly deny all of Plaintiff's allegations. Defendants'  
 10 position is that Giamatteo did not engage in harassment or retaliation and that BlackBerry is not  
 11 liable for any alleged harassment or retaliation. Moreover, BlackBerry terminated Plaintiff as a  
 12 result of a corporate restructuring, and not for any retaliatory reason. Defendants also deny that  
 13 either Giamatteo or BlackBerry committed any violations with respect to Plaintiff's wage-related  
 14 claims.

15        **Legal Issues:** Defendants' motion to dismiss raises several legal issues, including:  
 16 1) whether Plaintiff has failed to plead a viable sexual harassment against Giamatteo and  
 17 BlackBerry; 2) whether Giamatteo can be liable under California Labor Code Section 1197.5 for  
 18 alleged discrimination in payment of wages; 3) whether Plaintiff has failed to plead a viable  
 19 section 1197.5 claim against Giamatteo and BlackBerry; 4) whether Plaintiff has failed to plead  
 20 viable claims against BlackBerry under California Labor Code Sections 201 and 203 for failure to  
 21 pay wages promptly; 5) whether Plaintiff's negligent hiring claim is time-barred; and 6) whether  
 22 references to "harassment" and "discrimination" should be stricken from the complaint.

23        Counsel are also meeting and conferring on the topic of whether Plaintiff should be  
 24 allowed to continue proceeding pseudonymously. Defendants sent Plaintiff an email  
 25 memorandum on June 11, 2024, outlining their position, and Plaintiff sent a response  
 26 memorandum on June 21, 2024. Defendants are considering whether to file a motion.

27        At this early stage of the case, it is unclear what other disputed issues of law (if any) will  
 28 require resolution by the Court.

**Motions**: Defendants have filed a motion to dismiss in part and strike in part. Defendants anticipate eventually filing a motion for summary judgment. The parties anticipate seeking the Court's approval of a proposed stipulated protective order.

**Amendment of Pleadings**: At this time, no party anticipates amending their initial pleadings. If the need for an amendment arises, however, the relevant party will diligently move for leave to amend the relevant pleading.

**Evidence Preservation**: The parties are aware of their obligations to preserve potentially relevant evidence. They have also discussed this issue.

**Disclosures**: Although the parties have not yet made their initial disclosures, they will do so within the timelines required by law. Pursuant to General Order 71, initial disclosures are due on July 3, 2024.

**Discovery**: Plaintiff served a set of written discovery on June 12, 2024; no other discovery has commenced as of the date of this statement. The scope of the anticipated discovery is that this case will require a roughly average amount of discovery for a single-plaintiff employment case. At this point, the parties do not propose any limitations or modifications to the usual discovery procedures. A stipulated e-discovery order currently appears unnecessary. For a discovery plan:

- The parties anticipate serving initial disclosures by July 3, 2024. (*See* Gen. Order 71.)
- Plaintiff's position is that the subjects on which discovery may be needed include Plaintiff's job performance, termination, the alleged harassment and discrimination that she experienced, and her potential damages. Defendants believe discovery will not be needed as to alleged harassment and discrimination if their motion to dismiss is granted. The parties will endeavor to complete discovery by March of 2025. There appears to be no need to conduct discovery in phases.
- There are currently no unusual issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced.

➤ There are currently no unusual issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the Court to include their agreement in an order under Federal Rule of Evidence 502.

➤ There is currently no apparent need to change the limitations on discovery imposed under the FRCP or by local rule.

**Class Actions:** This is not a class action.

**Related Cases:** There appear to be no cases that should be related to this one.

**Relief:** Plaintiff intends to seek damages for out-of-pocket expenses, lost wages, emotional distress, punitive damages, and attorney's fees. At this point, a calculation of damages would be premature. For example, Plaintiff is still searching for new employment, meaning that her economic damages are not yet reasonably ascertainable.

**Settlement and ADR:** No ADR has occurred yet. The parties may explore private mediation after a critical mass of discovery has been conducted.

**Other References:** This case is not suitable for binding arbitration, a special master, or an MDL panel.

**Narrowing of Issues:** Defendants' motion to dismiss/strike may narrow the issues before the Court. Otherwise, it would be premature to narrow any other issues in this early stage of the case.

**Scheduling:** The parties recommend the following schedule:

<u>Event</u>	<u>Date</u>
Proposed date for designation of experts	October 15, 2024
Discovery cutoff	January 17, 2025
Deadline to file dispositive motions	February 24, 2025
Deadline to file opposition to dispositive motions	March 10, 2025
Deadline to file reply to dispositive motions	March 17, 2025

Hearing of dispositive motions	March 31, 2025 at 9:30 a.m.
Pretrial conference	May 30, 2025 at 1:30 p.m.
Trial	July 1, 2025

**Trial**: Plaintiff has demanded a jury trial. Plaintiff estimates the trial would last about two to three weeks. Defendants estimate that trial would last approximately five to seven days.

**Disclosure of Non-party Interested Entities or Persons**: The parties have filed the required disclosure form.

**Professional Conduct**: The attorneys of record for the parties are familiar with the applicable rules of professional conduct.

Dated: June 24, 2024

GOMERMAN | BOURN & ASSOCIATES

By: /s/ Anthony Tartaglio  
 Maria Bourn  
 Anthony Tartaglio  
 Attorneys for Plaintiff  
 JANE DOE

Dated: June 24, 2024

MUNGER, TOLLES & OLSON LLP

By: /s/ Katherine Forster  
 KATHERINE FORSTER  
 Attorneys for Defendants  
 BLACKBERRY CORPORATION & JOHN  
 GIAMATTEO

1 I, Anthony Tartaglio, affirm that before this document was filed with the Court, I first  
2 obtained the approval of Defendants' counsel to sign this document on her behalf.

3  
4 Dated: June 24, 2024

GOMERMAN | BOURN & ASSOCIATES

5  
6 By: /s/ Anthony Tartaglio

7 Anthony Tartaglio  
8 Attorney for Plaintiff  
9 JANE DOE  
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